

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

Short Title: Wireless Telephone Service. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED
AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62A-21 reads as rewritten:

§ 62A-21. Definitions.

As used in this Article:

.....

(13b) "Subscriber" means a person who subscribes to or purchases at retail a CMRS service or prepaid wireless service.

.....

SECTION 2. G.S. 62A-23 reads as rewritten:

§ 62A-23. Amount of service charge.

(a) The rate of the monthly wireless Enhanced 911 service charge shall be set at seventy cents (70¢) per month per each CMRS connection beginning October 1, 2005. The service charge shall have uniform application and shall be imposed throughout the State. The service charge for prepaid wireless service shall be set at one-percent (1%) of the retail purchase price of the prepaid wireless service.

(b) The Board may adjust the service charge on July 1 of every even-numbered year. The Board is to set the service charge at such a rate as to ensure full recovery for CMRS providers and for primary PSAPs, over a reasonable period of time, of the costs allowed in G.S. 62A-25(b)

and associated with developing and maintaining a wireless Enhanced 911 system. If necessary to ensure full recovery of costs for both CMRS providers and eligible primary PSAPs over a reasonable period of time, the Board may annually adjust the allocation percentages set forth in G.S. 62A-25(a) and G.S. 62A-25(b), or reallocate funds comprising the Wireless Fund, provided, however, that any adjustment or reallocation shall be consistent with the requirements of the FCC Order.

(b1) The service charge shall also be imposed upon prepaid wireless telephone service subscribers. Any person or entity selling prepaid wireless service at retail in North Carolina, whether or not such prepaid wireless service is represented by a card or other item of tangible personal property transferred by the vendor to the purchaser, shall collect from the subscriber at the retail point of sale of such service the service charge provided by this section and remit the amounts collected to the Board. ~~CMRS providers of prepaid wireless telephone service shall collect and remit to the Board the service charge under one of the following methods:~~

- ~~(1) The CMRS provider shall collect, on a monthly basis, the service charge from each active prepaid wireless telephone service customer whose account balance is equal to or greater than the amount of the service charge; or~~
- ~~(2) The CMRS provider shall divide the total earned prepaid wireless telephone service revenue received by the CMRS provider with respect to each active prepaid wireless telephone service customer in the State within the monthly 911 reporting period by fifty dollars (\$50.00) and multiply the quotient by the service charge amount.~~

(c) The service charge shall not exceed eighty cents (80¢) per month.

(d) The Board may adopt other rules and procedures as may be necessary to effect the provisions of this act but may not regulate any other aspect of the provision of wireless Enhanced 911 service, such as technical standards.

(e) No other State agency or local government may levy any additional surcharge relating to the provision of wireless Enhanced 911 service. (1998-158, s. 1; 2003-416, s. 29(b); 2005-439, s. 4.)

SECTION 3. G.S. 62A-24 reads as rewritten:

§ 62A-24. Management of funds.

(a) Except for prepaid wireless telephone service, each CMRS provider, as a part of its monthly billing process, shall collect from its subscribers the wireless Enhanced 911 service charge described in G.S. 62A-23. The CMRS provider may list the service charge as a separate entry on each bill. If a CMRS provider receives a partial payment for a monthly bill from a subscriber, the provider shall apply the payment first against the amount the subscriber owes the provider.

(b) A CMRS provider has no obligation to take any legal action to enforce the collection of the service charges for which any subscriber is billed. However, a collection action may be initiated by the Board and reasonable costs and attorneys' fees associated with that collection action may be awarded.

(c) Each CMRS provider and retail vendor of prepaid wireless service shall be entitled to deduct a one percent (1%) administrative fee from the total service charges collected.

(d) All service charges collected by the CMRS providers and retail vendors of prepaid wireless service, less the administrative fee described in subsection (c) of this section, are to be remitted to the Wireless Fund, not later than 30 days after the end of the calendar month in

which such service charges are collected. (1998-158, s. 1; 2005-439, s. 5.)

SECTION 4. This act is effective when it becomes law.

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